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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,020	01/12/2005	Kazuhide Mizutani	DK-US030061	9469
22919	7590	11/06/2008		
GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680			EXAMINER ALI, MOHAMMAD M	
			ART UNIT	PAPER NUMBER
			3744	
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			11/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,020	Applicant(s) MIZUTANI ET AL.	
	Examiner MOHAMMAD M. ALI	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/02/08, 10/11/07 and 01/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 5-7 are rejected under 35 U.S.C. 102(a) as being anticipated by Unezake et al., (JP 2002-357377 A). Unezake et al., disclose an air conditioner comprising existing refrigerant piping (4, 6) that was an existing air conditioner (See Fig 12) and contains residue of an existing of an refrigerant oil, a heat source unit (11, 28) and an user unit (23 evaporator/interior unit Fig. 12) that are connected together by the existing refrigerant piping (4, 6) with a replace working refrigerant disposed therein; and an oil collecting device 9 that is configured such that after the existing refrigerant oil has been changed and before the refurbished air conditioner is run in a normal operating mode, the oil is collecting device 9 can draw in the replaced working refrigerant that is being circulated through the air conditioner and separate the existing refrigerant oil that is carried with the replaced working refrigerant, the replaced working refrigerant being an HFC refrigerant at least wt% of 32 See Fig.s 12, 13, 22-23, 25 and 27 and the translation. See also Para [0027] of machine translation.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Taira et al., (US 5,806,329). Taira et al., disclose an air conditioner comprising existing

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refrigerant piping (16, 17) that was an existing air conditioner and contains residue of an existing of an refrigerant oil, a heat source unit (A) and an user unit (18/50 indoor heat exchanger/control unit) that are connected together by the existing refrigerant piping (16, 17) with a replace working refrigerant disposed therein; and an oil collecting device 12 that is configured such that after the existing refrigerant oil has been changed and before the refurbished air conditioner is run in a normal operating mode, the oil is collecting device 12 can draw in the replaced working refrigerant that is being circulated through the air conditioner and separate the existing refrigerant oil that is carried with the replaced working refrigerant, the replaced working refrigerant being an HFC refrigerant at least wt% of R32 See Fig.s 1, column 5, line 1 to column 6, line 20. Regarding use of HFC refrigerant containing 40 wt% of R32 but containing R134a, Taira et al's refrigerant system is capable of using the same refrigerant with the same composition because existing refrigerant system containing Chlorine or Ozone depletion refrigerant can be replaced by the friendly environmental refrigerant as mentioned above and it is an well-known feature in the art.

Regarding claim 6, during washing of existing refrigerant piping, the new working refrigerant or replaced refrigerant as discussed inherently circulates in an wet state through the existing refrigerant line.

Response to Arguments

Applicant's arguments filed 09/20/08 have been fully considered but they are not persuasive. The Applicant asserts the so-called existing piping 4 and 6 is not reused as

is (i.e., in the presently existing condition without modification) when updating the air conditioner is complete.

The examiner disagrees. The existing piping 4 and 6 as may be seen in Figs 12, 25 and 27 of Umezaki Publication is being reused without any modification to the piping 4 and 6. However, the assertion portion "without modification" is not the subject of the claimed invention. The same is the case with the new prior art to Taira et al., Patent wherein the existing piping 16 and 17 is being reused with out any modification as can be seen in Fig. 1. Therefore, the existing piping 4 and 6 is not reused as is (i.e., in the presently existing condition without modification) when updating the air conditioner is complete as asserted by the applicant is not true. Therefore, the rejections are correct.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad M. Ali whose telephone number is 571-272-4806. The examiner can normally be reached on maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4808. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad M Ali/

Primary Examiner, Art Unit 3744